

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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ELECTRONICALLY FILED
DOC #:
DATE FILED: 3/5/2024

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ITG BRANDS, LLC,

Plaintiff,

1:24-cv-00828-VEC


v.

FREMADA GOLD, INC.,
a New York corporation,

**STIPULATED PERMANENT
INJUNCTION TO BE SO
ORDERED**

Defendant.
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Plaintiff ITG Brands, LLC (“ITGB”) and Defendant Fremada Gold, Inc. (“Defendant” or “Fremada”) (collectively the “Parties”), submit this Permanent Injunction to the Court, on full and mutual consent as indicated below:

1. Effective on the date that this Stipulated Permanent Injunction is entered by this Court, Defendant will be permanently enjoined from all use of the mark KOOL JEWELRY & DESIGN, with a design element consisting of Interlocking “Os” in the word KOOL, , or any other mark containing Interlocking “Os” in any manner in connection with its sales of jewelry, any advertising and promotion (including online advertising, social media pages on Facebook, Instagram, Twitter, YouTube, TikTok and any other social media platform), websites, and physical advertising and promotional materials such as advertisements, brochures, and point of sale materials.

2. Defendant admits that Plaintiff is entitled to injunctive relief because Defendant’s use of the Interlocking “Os” in the word KOOL infringes upon Plaintiff’s intellectual property rights, including its federal registrations of the mark KOOL and solid and outlined versions of the interlocking “Os” in the KOOL logo on the Principal Register of the United States Patent and

Trademark Office. This includes Registration Nos. 508538, 747482, 2218589, 2578658, and 2617994 of the marks KOOL (stylized), KOOL (word mark), KOOL (logo) and solid and outlined versions of the Interlocking “Os in the KOOL logo, each for cigarettes (“KOOL Marks”).

3. Defendant admits that Plaintiff is entitled to injunctive relief because The KOOL Marks are well known, highly distinctive, and famous.

4. This Permanent Injunction is continuing in nature and shall be binding on any and all successors, assigns, or heirs of Defendant.

5. Defendant shall give notice of this Permanent Injunction to all persons within its control or employment (whether as independent contractors, employees, agents, partners, or in any other capacity). Defendant shall further take reasonable steps sufficient to monitor and ensure that all those acting in active concert or participation with it receive notice of and comply with this Injunction, including, but not limited to, providing a copy of this Injunction to any person within its control or employment and requesting that such person adhere to its terms.

6. The Court shall retain jurisdiction of this civil action and the parties to resolve any issues arising out of any claim of violation of or noncompliance with this Permanent Injunction.

7. This Permanent Injunction is a final judgment for purposes of disposition of this action. The Court finds there is no just reason for delay in entering this Injunction and pursuant to Rule 54(a) of the Federal Rules of Civil Procedure, the Court directs immediate entry of this Injunction against Defendant.

Dated: February 29, 2024
New York, New York

CONSENTED TO:

ITG BRANDS, LLC

By: Rob Willy

FREMADA GOLD, INC

By: Chris Shear

COHEN TAUBER SPIEVACK & WAGNER P.C.
Co-Counsel for Plaintiff ITG Brands, LLC

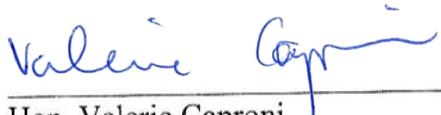
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Counsel for Defendant Fremada Gold, Inc.

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Co-Counsel for Plaintiff ITG Brands, LLC
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Washington, D.C. 20005

SO ORDERED:



Hon. Valerie Caproni
United States District Judge

Application GRANTED. The Clerk of Court is respectfully directed to terminate the case.

SO ORDERED. 3/5/2024



HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE